IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 2565 of 2007(E)

PETITIONER:

SAIDUMOHAMMED, S/O. YAHU, AGED 43 YEARS, CHENGANAKKATTIL HOUSE, POOKKAYIL BAZAR, TIRUR, MALAPPURAM DISTRICT, REPRESENTED BY HIS POWER OF ATTORNEY HOLDER O.P.BEERANKUTTY.

BY ADV. SRI.JOBY JACOB PULICKEKUDY
SRI.ANIL GEORGE
SRI.PAUL MATHEW (PERUMPILLIL)

RESPONDENTS:

THE KERALA STATE ELECTRICITY BOARD, REPRRESENTED BY ASSISTANT EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD, ELECTRICAL SUB DIVISION, TIRUR EAST.

BY SRI.JOSE.J.MATHAEICKAL SC, K.S.E.B

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 2565 OF 2007-E

JUDGMENT

The petitioner has applied for electricity connection for his residential building, to the Assistant Executive Engineer, Electrical Sub Division, Tirur East. Alleging that electricity connection is not being given, this Writ petition is filed.

2. The learned standing counsel, upon instructions, submitted that line has to be drawn through a pathway. One Mr.Alavikutty raised a claim that the said pathway belongs to him and R.S.A.No.632/2003 concerning the same, filed by the said person , is pending before this Court. That is the reason for not drawing the line, it is submitted.

3. The petitioner points out that he directly moved the District Collector and the District Collector has also declined to interfere with the matter, on the ground of pendency of the second appeal before this Court. Even if the pathway belongs to Mr.Alavikutty, the District Collector can order drawing of the electric line through it. But, it is for the respondent to move the District Collector for appropriate orders. Accordingly, the respondent is directed to move the District Collector for removing the

obstruction offered by third parties, to give electricity connection to the petitioner, within one month from the date of production of a copy of this judgment.

The Writ Petition is disposed of as above.

2nd February, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/